

Introduced by Senator LieuFebruary 15, 2013

An act to amend Section 367.5 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 315, as introduced, Lieu. Civil actions: telephonic appearances.

Existing law provides that courts should, to the extent feasible, permit parties to appear by telephone at appropriate conferences, hearings, and proceedings in civil cases to improve access to the courts and reduce litigation costs.

This bill would make a nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 367.5 of the Code of Civil Procedure is
2 amended to read:
3 367.5. (a) It is the intent of this section to promote uniformity
4 in the procedures and practices relating to telephone appearances
5 in civil cases. To improve access to the courts and *to* reduce
6 litigation costs, courts should, to the extent feasible, permit parties
7 to appear by telephone at appropriate conferences, hearings, and
8 proceedings in civil cases.
9 (b) Except as provided in subdivision (c), in all general civil
10 cases, as defined in the California Rules of Court, a party that has
11 provided notice may appear by telephone at the following
12 conferences, hearings, and proceedings:

1 (1) A case management conference, provided the party has made
2 a good faith effort to meet and confer before the conference as
3 required by law and has timely served and filed a case management
4 statement.

5 (2) A trial setting conference.

6 (3) A hearing on law and motion, except motions in limine.

7 (4) A hearing on a discovery motion.

8 (5) A conference to review the status of an arbitration or
9 mediation.

10 (6) A hearing to review the dismissal of an action.

11 (7) Any other hearing, conference, or proceeding if the court
12 determines that a telephone appearance is appropriate.

13 (c) The court may require a party to appear in person at a
14 hearing, conference, or proceeding listed in subdivision (b) if the
15 court determines on a hearing-by-hearing basis that a personal
16 appearance would materially assist in the determination of the
17 proceedings or in the effective management or resolution of the
18 particular case.

19 (d) Consistent with its constitutional rulemaking authority, the
20 Judicial Council shall adopt rules effectuating the policies and
21 provisions in this section by January 1, 2008, and may adopt rules
22 relating to matters not covered by subdivision (a). The rules may
23 prescribe, but are not limited to prescribing, the notice to be given
24 by a party requesting a telephone appearance under subdivision
25 (a), the manner in which telephone appearances are to be
26 conducted, the conditions required for a party to be permitted to
27 appear by telephone, and provisions relating to the courts' use of
28 private vendors to provide telephone services.

29 (e) This section does not apply to any types of cases or types
30 of conferences, hearings, and proceedings except those specified
31 in subdivision (b). Consistent with its constitutional rulemaking
32 authority, the Judicial Council may by rule provide for the
33 procedures and practices, and for the administration of, telephone
34 appearances for all types of cases and matters not specified in
35 subdivision (b). For these other cases and matters, the Judicial
36 Council may specify the types of cases and matters in which parties
37 may appear by telephone, the types of cases and matters in which
38 parties shall appear personally, the conditions under which a party
39 may be permitted to appear by telephone, and any other rules

- 1 governing telephone and personal appearances that are within its
- 2 rulemaking authority.

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